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TO RUEHC/SECSTATE WASHDC IMMEDIATE 5097
INFO RUEHLM/AMEMBASSY COLOMBO 7259
RUEHIL/AMEMBASSY ISLAMABAD 0908
RUEHKT/AMEMBASSY KATHMANDU 8336
RUEHNE/AMEMBASSY NEW DELHI 8833
RUEHLO/AMEMBASSY LONDON 1371
RUEHBY/AMEMBASSY CANBERRA 0216
RUEHOT/AMEMBASSY OTTAWA 0580
RUEHCI/AMCONSUL CALCUTTA
RUEAWJA/DEPT OF JUSTICE WASHDC

C O N F I D E N T I A L DHAKA 000627

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SUBJECT: KIBRIA MURDER TRIAL ADJOURNS UNTIL LATE FEBRUARY

Classified By: A/DCM D.C. McCullough, reasons para 1.4d

¶1. (SBU) Summary: The judge of the Kibria murder trial denied most defense motions before adjourning it until late February at the earliest. End Summary.

¶2. (SBU) On February 7, eight defendants charged with the January 27, 2005, murder of A.M.S. Shah Kibria went on trial in a speedy tribunal in a packed district courtroom in the provincial capital of Sylhet. RLA FSN, a UK-trained Bangladeshi barrister, observed the proceedings.

¶3. (SBU) Presiding judge Biplob Goswami took two hours to rule on pre-trial petitions and approve the framing of charges before adjourning the trial until February 22, when the prosecution, which has 60 witnesses, hopes to begin its case.

¶4. (SBU) Judge Goswami, who was injured in a JMB attack last October, denied petitions for bail, the retraction of confessions by four defendants, and dismissal of the case for an alleged lack of evidence. He announced that he would defer his ruling on the admission of records seized from the home of Abdul Quayyum, the lead defendant, until later in the trial to adduce their relevance. (Note: We believe the documents refer to Quayyum's bank and telephone records, but will seek clarification from MHA. None of this documentation has been made available to the defense.)

¶5. (SBU) Defense lawyers charged that the confessions of six defendants were obtained through torture and their statements were scripted by the police, and that police failed to examine important witnesses. Several defendants howled during the proceedings about their plight and torture. Quayyum's alleged political motivations for the crime, to remove Kibria as a rival for the local parliamentary seat, were ludicrous, according to Quayyum's lawyer, Muhammad Ahsanullah. Quayyum, he said, was too small a political player to take advantage of Kibria's death, and suggested that "foreign fundamentalist quarters" were responsible for the murder.

¶6. (SBU) In a late development, lawyers representing the Kibria family obtained a three-week stay of the trial from the appellate court to appeal the High Court's decision that it lacked jurisdiction to order the re-opening of the police investigation due to alleged incompetence. Unless the prosecution can win a vacate order, the trial at this point would not resume before February 28 at the earliest.

¶7. (C) Comment: There is no question that the defendants were

beaten to induce confessions, a common practice in
Bangladesh, since visiting embiffs personally observed the
injuries last spring. The defendant who allegedly threw the
fatal grenades, however, is not among those who have recanted.
CHAMMAS